S.B. CIVIL WRIT PETITION NO.3464/2007.

PANNA LAL & ANOTHER
VS.
MOTOR ACCIDENT CLAIM TRIBUNAL, PRATAPGARH.

DATE OF ORDER : 25.07.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Bharat Shrimali for the petitioners.

The Motor Accidents Claim Tribunal, Pratapgarh by its award dated 06.08.2002 awarded a sum of Rs.1,84,000/- with an interest @ 9% per annum w.e.f. 18.01.1999 to the petitioners and to protect their rights, the Tribunal also ordered to keep the amount awarded except the interest part in a fixed deposit for a period of 10 years with a Nationalized Bank.

The petitioners moved an application on 26.03.2007 before the Tribunal to release the amount kept in fixed deposit being in need of the money to purchase agriculture land from Smt. Maangi Bai wife of Shri Pratap Singh, resident of Faredi, Tehsil Arnod. The Motor Accidents Claim Tribunal, Prapatgarh by its order dated 01.05.2007 rejected the application submitted by the petitioners by holding the reason given unsufficient. Hence, this petition for writ is preferred.

Along with this petition for writ, the petitioners have also placed on record a certificate given by Sarpanch, Gram Panchayat Naugaon, village Faredi stating therein that the petitioners are peasants and they have entered into an agreement to purchase agriculture land.

The contention of counsel for the petitioners is that the petitioners are of major age and being peasants, they want to have some more agricultural land, as such, it shall be in the interest of justice to release the amount concern.

I have heard counsel for the petitioners and also perused all the documents annexed with the petition for writ.

It appears that the petitioners No. 1 and 2, who are of the age of 50 years and 45 years respectively, want to purchase some land from Smt. Maangi Bai and for that they have already entered into an agreement for sale. The entire transaction shall acquire finality only after getting the sale registered. It is true that the Tribunal made an order to get the awarded amount in a fixed deposit for a term of 10 years to protect rights of the petitioners, but I am of the view that the rights of the petitioners who are peasants by profession can very well be secured, if, they be permitted to purchase agriculture

land as desired. The intention of keeping the amount under fixed deposit can very well be achieved by permitting the petitioners to purchase agriculture land from the amount concern and to deposit the documents relating to the land purchased by them with the learned Tribunal for a period of next five years.

In view of it, this petition for writ is disposed of with a direction to the learned Tribunal to allow the petitioners to withdraw the amount awarded under the award dated 06.08.2002 subject to the condition that they execute an undertaking that within a period of three weeks from the date of receiving the amount from the Bank, they will get the land, which they want to purchase, registered and thereafter to deposit the original Registry of the land concerned with the Tribunal for next five years. The petitioners shall also give an undertaking that they will not transfer the land further for a period of next five years.

No order to cost.

(GOVIND MATHUR)J.

Anil/